

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO PUBLIC
SCHOOLS INSURANCE AUTHORITY,

Plaintiff,

v.

No. CIV. 23-1034-MV/GBW

EXPRESS SCRIPTS, INC.,

Defendant.


**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Gregory B. Wormuth’s August 5, 2024, Proposed Findings and Recommended Disposition (“PFRD”). Doc. 31. In that PFRD, Judge Wormuth recommends that the Court grant in part and deny in part Plaintiff’s Motion to Remand (Doc. 15) by granting Plaintiff’s request to remand this matter to the First Judicial District Court, State of New Mexico, County of Santa Fe, and denying Plaintiff’s request for attorney’s fees. Judge Wormuth notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD and that failure to do so would waive appellate review. *Id.* at 15. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Wormuth’s findings and recommendation.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. The Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 31) are **ADOPTED**;

2. Plaintiff's Motion to Remand (Doc. 15) is **GRANTED** in part and **DENIED** in part, and the case is hereby **REMANDED** to the First Judicial District Court of New Mexico; and
3. Defendant's Motion to Dismiss the Second and Third Counts of Plaintiff's Complaint (Doc. 6) and Defendant's Motion to Dismiss the Second and Third Counts of Plaintiff's Amended Complaint and Memorandum in Support (Doc. 19) are **DENIED AS MOOT**.



MARTHA VÁZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE